

FORTY-FOURTH DAY - MARCH 15, 2006**LEGISLATIVE JOURNAL****NINETY-NINTH LEGISLATURE
SECOND SESSION****FORTY-FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 15, 2006

PRAYER

The prayer was offered by Senator Janssen.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Cudaback presiding.

The roll was called and all members were present except Senators Brown, Burling, Combs, Cornett, Flood, Landis, Dw. Pedersen, and Stuthman who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 1034, line 3, strike "The Rules Committee" and insert "Senator Hudkins".

The Journal for the forty-third day was approved as corrected.

GENERAL FILE

LEGISLATIVE BILL 1086. Title read. Considered.

Senator Synowiecki renewed the Synowiecki-Jensen pending amendment, AM2429, found on page 1001.

Senator Chambers renewed his pending amendment, FA606, found on page 1046, to the Synowiecki-Jensen pending amendment.

The Chambers amendment was adopted with 30 ayes, 0 nays, 11 present and not voting, and 8 excused and not voting.

The Synowiecki-Jensen amendment, as amended, was adopted with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

Senator Chambers renewed his pending amendment, AM2741, found on page 1044.

The Chambers amendment was adopted with 31 ayes, 0 nays, 10 present and not voting, and 8 excused and not voting.

Senator Stuhr offered the following amendment:

AM2718

- 1 1. Insert the following new sections:
- 2 Sec. 6. Section 28-101, Revised Statutes Cumulative
- 3 Supplement, 2004, is amended to read:
- 4 28-101 Sections 28-101 to 28-1350 and sections 7 to 9 of
- 5 this act shall be known and may be cited as the Nebraska Criminal
- 6 Code.
- 7 Sec. 7. For purposes of sections 7 to 9 of this act, the
- 8 following definitions apply:
- 9 (1) Blackmail is to be given its ordinary meaning and
- 10 includes, but is not limited to, a threat to expose any secret
- 11 tending to subject any person to hatred, contempt, or ridicule;
- 12 (2) Commercial sexual activity means any sex act on
- 13 account of which anything of value is given, promised to, or
- 14 received by any person;
- 15 (3) Financial harm includes theft under section 28-513;
- 16 (4) Forced labor or services means labor or services that
- 17 are performed or provided by another person and are obtained or
- 18 maintained through:
- 19 (a) Causing or threatening to cause serious harm to any
- 20 person;
- 21 (b) Physically restraining or threatening to physically
- 22 restrain another person;
- 23 (c) Abusing or threatening to abuse the law or legal
- 1 process;
- 2 (d) Knowingly destroying, concealing, removing,
- 3 confiscating, or possessing any actual or purported passport
- 4 or other immigration document or any other actual or purported
- 5 government identification document of another person;
- 6 (e) Blackmail; or
- 7 (f) Causing or threatening to cause financial harm to any
- 8 person;
- 9 (5) Labor means work of economic or financial value;
- 10 (6) Maintain means, in relation to labor or services,
- 11 to secure continued performance thereof, regardless of any initial
- 12 agreement on the part of the victim to perform such type of
- 13 service;
- 14 (7) Obtain means, in relation to labor or services, to
- 15 secure performance thereof;
- 16 (8) Services means an ongoing relationship between a
- 17 person and the actor in which the person performs activities under
- 18 the supervision of or for the benefit of the actor. Commercial
- 19 sexual activity and sexually-explicit performances are forms of
- 20 services under this section. Nothing in this subdivision shall be

21 construed to legitimize or legalize prostitution;

22 (9) Sexually-explicit performance means a live or public
23 act or show intended to arouse or satisfy the sexual desires or
24 appeal to the prurient interests of patrons; and

25 (10) Trafficking victim means a person subjected to the
26 practices set forth in section 8 of this act.

27 Sec. 8. (1) No person shall knowingly subject or attempt
1 to subject another person to forced labor or services. If a
2 perpetrator knowingly subjects another person to forced labor or
3 services by:

4 (a) Causing or threatening to cause physical harm to such
5 other person, the perpetrator is guilty of a Class II felony;

6 (b) Physically restraining or threatening to physically
7 restrain such other person, the perpetrator is guilty of a Class
8 III felony;

9 (c) Abusing or threatening to abuse the law or legal
10 process, the perpetrator is guilty of a Class IV felony;

11 (d) Knowingly destroying, concealing, removing,
12 confiscating or possessing any actual or purported passport or
13 other immigration document, or any other actual or purported
14 government identification document, of such other person, the
15 perpetrator is guilty of a Class IV felony; or

16 (e) Using blackmail, or using or threatening to cause
17 financial harm to such other person, the perpetrator shall be
18 guilty of a Class I misdemeanor.

19 (2) No person shall knowingly recruit, entice, harbor,
20 transport, provide, or obtain by any means or attempt to recruit,
21 entice, harbor, provide, or obtain by any means another person
22 under eighteen years of age, knowing that such person under
23 eighteen years of age will engage in commercial sexual activity,
24 sexually-explicit performance, or the production of pornography
25 or cause or attempt to cause a minor to engage in commercial
26 sexual activity, sexually-explicit performance, or the production
27 of pornography. A person who violates this subsection shall be
1 punished as follows:

2 (a) In cases in which the violation involved overt force
3 or threat of force, such person is guilty of a Class ID felony;

4 (b) In cases in which the victim had not attained the age
5 of fifteen years, not involving overt force or threat of force,
6 such person is guilty of a Class II felony; or

7 (c) In cases involving a victim between the ages of
8 fifteen and eighteen years, not involving overt force or threat of
9 force, such person is guilty of a Class III felony.

10 (3) Any person who knowingly (a) recruits, entices,
11 harbors, transports, provides, or obtains by any means, or attempts
12 to recruit, entice, harbor, transport, provide, or obtain by any
13 means, another person, intending or knowing that the person will be
14 subjected to forced labor or services or (b) benefits, financially
15 or by receiving anything of value, from participation in a venture

16 which has, as part of the venture, an act that is in violation of
17 subsection (1) or (2) of this section, is guilty of a Class III
18 felony.

19 (4) Restitution is mandatory under this section. In
20 addition to any other amount of loss identified, the court shall
21 order restitution including the greater of (a) the gross income or
22 value to the perpetrator of the victim's labor or services or (b)
23 the value of the victim's labor as guaranteed under the minimum
24 wage and overtime provisions of the federal Fair Labor Standards
25 Act, 29 U.S.C. 201, et seq., as the act existed on January 1, 2006.

26 Sec. 9. (1) The Attorney General, in consultation with
27 the Department of Health and Human Services shall, no later
1 than one year after the effective date of this act, issue a
2 report outlining how existing victim and witness laws and rules
3 and regulations respond to the needs of trafficking victims and
4 suggesting areas of improvement and modification.

5 (2) The Department of Health and Human Services, in
6 consultation with the Attorney General, shall, no later than one
7 year after the effective date of this act, issue a report outlining
8 how existing social service programs respond or fail to respond
9 to the needs of trafficking victims and the interplay of such
10 existing programs with federally-funded victim service programs and
11 suggesting areas of improvement and modification.

12 Sec. 10. Original section 28-101, Revised Statutes
13 Cumulative Supplement, 2004, is repealed.

Senator Stuhr withdrew her amendment.

Advanced to E & R for review with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 1086A. Title read. Considered.

Advanced to E & R for review with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 385A. Introduced by Johnson, 37.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 385, Ninety-ninth Legislature, Second Session, 2006.

NOTICE OF COMMITTEE HEARING

Rules

Room 1524

Monday, March 27, 2006

1:00 p.m.

Senator Hudkins' proposed rules change

Legislative Journal page 1034

(Signed) Carol Hudkins, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 310. Introduced by Friend, 10.

PURPOSE: The purpose of this study is to review the fairness of the property tax valuation system in the State of Nebraska on residential, commercial, and agricultural property, while also analyzing its uniformity among counties and classes of properties. The study also should include recommendations on how the Department of Property Assessment and Taxation can promote predictability in any increases in property assessments.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

GENERAL FILE

LEGISLATIVE BILL 690. Title read. Considered.

The Standing Committee amendment, AM0705, found on page 798, First Session, 2005, was considered.

Senator Stuhr asked unanimous consent to withdraw the Stuhr-Raikes pending amendment, AM1839, found on page 212, and replace it with the Stuhr substitute pending amendment, AM2725, found on page 1046, to the Standing Committee amendment. No objections. So ordered.

The Stuhr amendment was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Senator Stuhr withdrew the Stuhr-Raikes pending amendment, AM2260, found on page 694.

Senator Stuhr renewed the Stuhr-Raikes pending amendment, AM2724, found on page 1047, to the Standing Committee amendment.

Senator Stuhr withdrew the Stuhr-Raikes amendment.

Senator Erdman offered the following amendment to the Standing Committee amendment:

FA607

Amendment to AM2725

Pg. 1 line 10 and pg. 1 line 15 strike "need resources to" and insert "should".

The Erdman amendment was adopted with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

Advanced to E & R for review with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 690A. Title read. Considered.

Advanced to E & R for review with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 817A. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 817, Ninety-ninth Legislature, Second Session, 2006; and to declare an emergency.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 1061. Placed on Select File as amended.

E & R amendment to LB 1061:

AM7183

- 1 1. On page 1, line 1, strike "59-1623" and insert
- 2 "13-2041, 59-1623,"; in line 3 after the first comma insert
- 3 "81-15,174,"; and in line 7 after the second semicolon insert
- 4 "to change termination dates; to eliminate funds and provisions
- 5 relating to the use of certain funds;".

LEGISLATIVE BILL 1131. Placed on Select File as amended.

E & R amendment to LB 1131:

AM7182

- 1 1. In the Standing Committee amendments, AM2620:
- 2 a. On page 3, line 23, after "administrator" insert "of
- 3 the budget division of the Department of Administrative Services";
- 4 and
- 5 b. On page 4, line 27, after "under" insert "the".
- 6 2. On page 1, strike beginning with "18-2604" in line
- 7 1 through line 6 and insert "84-613, Revised Statutes Cumulative
- 8 Supplement, 2004, and section 84-612, Revised Statutes Supplement,
- 9 2005; to provide for transfers from and change allocation of
- 10 interest earned on the Cash Reserve Fund; to eliminate obsolete
- 11 provisions; to create the State Capitol Restoration Fund; to
- 12 harmonize provisions; to repeal the original sections; and to
- 13 declare an emergency."

LEGISLATIVE BILL 1126. Placed on Select File.

(Signed) Michael Flood, Chairperson

AMENDMENT - Print in Journal

Senator Langemeier filed the following amendment to LB 898:

AM2742

(Amendments to Standing Committee amendments, AM2116)

- 1 1. On page 4, strike the new matter in lines 4 through 8
- 2 and insert "Agenda items shall be sufficiently descriptive to give
- 3 the public reasonable notice of the matters to be considered at the
- 4 meeting.".

GENERAL FILE

LEGISLATIVE BILL 1060. Senator Chambers withdrew his pending motion, found on page 1033, to recommit LB 1060 to Appropriations Committee.

Senator Langemeier asked unanimous consent to withdraw his pending amendment, AM2676, found on page 1019, and replace it with the Janssen substitute pending amendment, AM2744, found on page 1045, to the Standing Committee amendment. No objections. So ordered.

SENATOR BOURNE PRESIDING

SENATOR CUDABACK PRESIDING

Pending.

UNANIMOUS CONSENT - Add Cointroducers

Senator Price asked unanimous consent to add her name as cointroducer to LB 690. No objections. So ordered.

Senator Schimek asked unanimous consent to add her name as cointroducer to LB 817. No objections. So ordered.

VISITORS

Visitors to the Chamber were 45 fourth-grade students and teachers from Bryan Elementary School, Lexington; Alison, Katie, Kurt, and Anna Nelson from Kearney; Chuck Vestal from Omaha and Chris Gusman and Brittany Brun from Bellevue; 24 fourth- and twelfth-grade students and teachers from Arnold; 12 eleventh-grade students and teachers from Bertrand; and fifth- through eighth-grade students and teacher from The Pink Schoolhouse, Sioux County.

RECESS

At 11:58 a.m., on a motion by Senator Mines, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Senator Cudaback presiding.

ROLL CALL

The roll was called and all members were present except Senators Hudkins and Wehrbein who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 1060. The Janssen pending amendment, AM2744, found on page 1045 and considered in this day's Journal, to the Standing Committee amendment, was renewed.

Senator Janssen asked unanimous consent to withdraw his pending amendment, AM2744, found on page 1045, and replace it with his substitute amendment, FA608, to the Standing Committee amendment. No objections. So ordered.

FA608

Amendment to AM2441

1. On page 1, line 8, strike "3,149,166", show as stricken, and insert "3,379,325"; in line 11 strike "46,481,952", show as stricken, and insert "46,712,111"; and in line 16 strike "\$3,149,166", show as stricken, and insert "\$3,379,325".

2. On page 2, line 6, strike "\$519,841", show as stricken, and insert "\$750,000".

Senator Landis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 3 nays, and 20 not voting.

The Janssen amendment was adopted with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

Pending.

STANDING COMMITTEE REPORT

Business and Labor

LEGISLATIVE BILL 1237. Placed on General File as amended.

Standing Committee amendment to LB 1237:

AM2728

- 1 1. Strike the original sections and insert the following
- 2 sections:
- 3 Section 1. Section 48-120, Revised Statutes Supplement,
- 4 2005, is amended to read:
- 5 48-120 ~~(+)~~ (1)(a) The employer is liable for all
- 6 reasonable medical, surgical, and hospital services, including
- 7 plastic surgery or reconstructive surgery but not cosmetic surgery
- 8 when the injury has caused disfigurement, appliances, supplies,
- 9 prosthetic devices, and medicines as and when needed, which are
- 10 required by the nature of the injury and which will relieve pain
- 11 or promote and hasten the employee's restoration to health and
- 12 employment, and includes damage to or destruction of artificial
- 13 members, dental appliances, teeth, hearing aids, and eyeglasses,
- 14 but, in the case of dental appliances, hearing aids, or eyeglasses,
- 15 only if such damage or destruction resulted from an accident which
- 16 also caused personal injury entitling the employee to compensation
- 17 therefor for disability or treatment, subject to the approval of
- 18 and regulation by the Nebraska Workers' Compensation Court, ~~not~~
- 19 ~~to exceed the regular charge made for such service in similar~~
- 20 ~~cases.~~
- 21 (b) The compensation court may establish schedules of
- 22 ~~maximum~~ fees for such medical, surgical, and hospital services. The
- 23 allowable fee for any such service shall be the fee established
- 1 by the compensation court or the provider's actual charge,
- 2 whichever is lower. If the compensation court establishes such
- 3 a schedule, it shall publish and furnish such schedule to the
- 4 public. The compensation court shall review such schedule at
- 5 least biennially and adopt appropriate changes when necessary. The
- 6 compensation court may contract with any person, firm, corporation,
- 7 organization, or government agency to secure adequate data to
- 8 establish such fees. The provider or supplier of such services

9 shall not collect or attempt to collect from any employer, insurer,
10 government, or injured employee or dependent or the estate of
11 any injured or deceased employee any amount in excess of the
12 ~~maximum allowable fee established by the compensation court~~ for
13 any such service pursuant to this subsection. The compensation
14 court ~~shall~~ may establish and charge a fee to recover the cost
15 of ~~published~~ publishing fee schedules. Notwithstanding any other
16 provision of this section, the compensation court may exclude from
17 the application of such schedules those services performed under a
18 managed care plan certified pursuant to section 48-120.02.

19 (2)(a) The employee has the right to select a physician
20 who has maintained the employee's medical records prior to an
21 injury and has a documented history of treatment with the employee
22 prior to an injury or a physician who has maintained the medical
23 records of an immediate family member of the employee prior to an
24 injury and has a documented history of treatment with an immediate
25 family member of the employee prior to an injury. For purposes of
26 this subsection, immediate family member means the employee's
27 spouse, children, parents, stepchildren, and stepparents. The
1 employer shall notify the employee following an injury of such
2 right of selection in a form and manner and within a timeframe
3 established by the compensation court. If the employer fails to
4 notify the employee of such right of selection or fails to notify
5 the employee of such right of selection in a form and manner and
6 within a timeframe established by the compensation court, then the
7 employee has the right to select a physician. If the employee
8 fails to exercise such right of selection in a form and manner and
9 within a timeframe established by the compensation court following
10 notice by the employer pursuant to this subsection, then the
11 employer has the right to select the physician. If selection of the
12 initial physician is made by the employee or employer pursuant to
13 this subsection following notice by the employer pursuant to this
14 subsection, the employee or employer shall not change the initial
15 selection of physician made pursuant to this subsection unless such
16 change is agreed to by the employee and employer or is ordered by
17 the compensation court pursuant to subsection (6) of this section.
18 If compensability is denied by the workers' compensation insurer,
19 risk management pool, or self-insured employer, (i) the employee
20 has the right to select a physician and shall not be made to
21 enter a managed care plan and (ii) the employer is liable for
22 medical, surgical, and hospital services subsequently found to be
23 compensable. If the employer has exercised the right to select
24 a physician pursuant to this subsection and if the compensation
25 court subsequently orders reasonable medical services previously
26 refused to be furnished to the employee by the physician selected
27 by the employer, the compensation court shall allow the employee
1 to select another physician to furnish further medical services.
2 If the employee selects a physician located in a community not the
3 home or place of work of the employee and a physician is available

4 in the local community or in a closer community, no travel expenses
5 shall be required to be paid by the employer or his or her workers'
6 compensation insurer.

7 (b) In cases of injury requiring dismemberment or
8 injuries involving major surgical operation, the employee may
9 designate to his or her employer the physician or surgeon to
10 perform the operation.

11 (c) If the injured employee unreasonably refuses or
12 neglects to avail himself or herself of medical or surgical
13 treatment furnished by the employer, except as herein and otherwise
14 provided, the employer is not liable for an aggravation of such
15 injury due to such refusal and neglect and the compensation court
16 or judge thereof may suspend, reduce, or limit the compensation
17 otherwise payable under the Nebraska Workers' Compensation Act.

18 (d) If, due to the nature of the injury or its occurrence
19 away from the employer's place of business, the employee or the
20 employer is unable to select a physician using the procedures
21 provided by this subsection, the selection requirements of this
22 subsection shall not apply as long as the inability to make a
23 selection persists.

24 (e) The physician selected may arrange for any
25 consultation, referral, or extraordinary or other specialized
26 medical services as the nature of the injury requires.

27 (f) The employer is not responsible for medical services
1 furnished or ordered by any physician or other person selected
2 by the employee in disregard of this section. Except as otherwise
3 provided by the Nebraska Workers' Compensation Act, the employer is
4 not liable for medical, surgical, or hospital services or medicines
5 if the employee refuses to allow them to be furnished by the
6 employer.

7 (3) No claim for such medical treatment is valid and
8 enforceable unless, within fourteen days following the first
9 treatment, the physician giving such treatment furnishes the
10 employer a report of such injury and treatment on a form prescribed
11 by the compensation court. The compensation court may excuse the
12 failure to furnish such report within fourteen days when it finds
13 it to be in the interest of justice to do so.

14 (4) All physicians and other providers of medical
15 services attending injured employees shall comply with all the
16 rules and regulations adopted and promulgated by the compensation
17 court and shall make such reports as may be required by it at
18 any time and at such times as required by it upon the condition
19 or treatment of any injured employee or upon any other matters
20 concerning cases in which they are employed. All medical and
21 hospital information relevant to the particular injury shall,
22 on demand, be made available to the employer, the employee,
23 the workers' compensation insurer, and the compensation court.
24 The party requesting such medical and hospital information shall
25 pay the cost thereof. No such relevant information developed in

26 connection with treatment or examination for which compensation is
27 sought shall be considered a privileged communication for purposes
1 of a workers' compensation claim. When a physician or other
2 provider of medical services willfully fails to make any report
3 required of him or her under this section, the compensation court
4 may order the forfeiture of his or her right to all or part of
5 payment due for services rendered in connection with the particular
6 case.

7 (5) Whenever the compensation court deems it necessary,
8 in order to assist it in resolving any issue of medical fact or
9 opinion, it shall cause the employee to be examined by a physician
10 or physicians selected by the compensation court and obtain from
11 such physician or physicians a report upon the condition or matter
12 which is the subject of inquiry. The compensation court may charge
13 the cost of such examination to the workers' compensation insurer.
14 The cost of such examination shall include the payment to the
15 employee of all necessary and reasonable expenses incident to such
16 examination, such as transportation and loss of wages.

17 (6) The compensation court shall have the authority
18 to determine the necessity, character, and sufficiency of any
19 medical services furnished or to be furnished and shall have
20 authority to order a change of physician, hospital, rehabilitation
21 facility, or other medical services when it deems such change is
22 desirable or necessary. Any dispute regarding medical, surgical,
23 or hospital services furnished or to be furnished under this
24 section may be submitted by the parties, the supplier of such
25 service, or the compensation court on its own motion for informal
26 dispute resolution by a staff member of the compensation court or
27 an outside mediator pursuant to section 48-168. In addition,
1 any party or the compensation court on its own motion may
2 submit such a dispute for a medical finding by an independent
3 medical examiner pursuant to section 48-134.01. Issues submitted
4 for informal dispute resolution or for a medical finding by an
5 independent medical examiner may include, but are not limited
6 to, the reasonableness and necessity of any medical treatment
7 previously provided or to be provided to the injured employee. The
8 compensation court may adopt and promulgate rules and regulations
9 regarding informal dispute resolution or the submission of disputes
10 to an independent medical examiner that are considered necessary to
11 effectuate the purposes of this section.

12 (7) For the purpose of this section, physician has the
13 same meaning as in section 48-151.

14 (8) The compensation court shall order the employer to
15 make payment directly to the supplier of any services provided
16 for in this section or reimbursement to anyone who has made any
17 payment to the supplier for services provided in this section. No
18 such supplier or payor may be made or become a party to any action
19 before the compensation court.

20 (9) Notwithstanding any other provision of this section,

a workers' compensation insurer, risk management pool, or self-insured employer may contract for medical, surgical, hospital, and rehabilitation services to be provided through a managed care plan certified pursuant to section 48-120.02. Once liability for medical, surgical, and hospital services has been accepted or determined, the employer may require that employees subject to the contract receive medical, surgical, and hospital services in the manner prescribed in the contract, except that an employee may receive services from a physician selected by the employee pursuant to subsection (2) of this section if the physician so selected agrees to refer the employee to the managed care plan for any other treatment that the employee may require and if the physician so selected agrees to comply with all the rules, terms, and conditions of the managed care plan. If compensability is denied by the workers' compensation insurer, risk management pool, or self-insured employer, the employee may leave the managed care plan and the employer is liable for medical, surgical, and hospital services previously provided. The workers' compensation insurer, risk management pool, or self-insured employer shall give notice to employees subject to the contract of eligible service providers and such other information regarding the contract and manner of receiving medical, surgical, and hospital services under the managed care plan as the compensation court may prescribe.

Sec. 2. Any compensation court document or any compensation court information available by electronic means which reveals the identity of an employee, the nature of an employee's alleged injury, an employee's past or present medical condition, the extent of an employee's disability, the amount, type, or duration of benefits paid to an employee, or the application information for self-insurance is confidential and not open to public inspection or copying, except as otherwise provided in this section and as necessary for the compensation court to administer and enforce other provisions of the Nebraska Workers' Compensation Act. The compensation court shall deny any request to inspect or copy a record that is confidential under this section unless:

(1) The requestor is the employee who is the subject of the record or an attorney or authorized agent of that employee. An attorney or authorized agent of the employee shall provide a written authorization for inspection or copying from the employee;

(2) The requestor is the employer, workers' compensation insurer, risk management pool, or third-party administrator that is a party to the record or an attorney or authorized agent of such employer, workers' compensation insurer, risk management pool, or third-party administrator. An attorney or authorized agent of an employer, workers' compensation insurer, risk management pool, or third-party administrator shall provide a written authorization for inspection or copying from the employer, workers' compensation insurer, risk management pool, or third-party administrator;

(3) The information is used for the purpose of state or

16 federal investigations or examinations or for the state or federal
 17 government to compile statistical information;

18 (4) The document requested is a pleading filed in a
 19 compensation court docketed file, an exhibit offered and received
 20 into evidence by the compensation court, or a final order, award,
 21 or judgment of the compensation court; or

22 (5) The information requested identifies the number and
 23 nature of any injuries to employees of an employer identified
 24 in the request, or any benefits paid to such employees, without
 25 revealing the identify of any employee or the medical condition or
 26 extent of disability of any employee.

27 Sec. 3. Section 48-1,110, Revised Statutes Supplement,
 1 2005, is amended to read:

2 48-1,110 Sections 48-101 to 48-1,117 and section 2 of
 3 this act shall be known and may be cited as the Nebraska Workers'
 4 Compensation Act.

5 Sec. 4. Notwithstanding any other provision of law, if an
 6 employee who is not a member of a labor organization, as defined in
 7 section 48-218, chooses to have legal representation from the labor
 8 organization in any grievance or legal action, the employee shall
 9 reimburse the labor organization for his or her pro rata share
 10 of the actual legal fees and court costs incurred by the labor
 11 organization in representing the employee in the grievance or legal
 12 action.

13 Sec. 5. The Revisor of Statutes shall assign section 4 of
 14 this act within sections 48-209 to 48-236.

15 Sec. 6. Original sections 48-120 and 48-1,110, Revised
 16 Statutes Supplement, 2005, are repealed.

(Signed) Douglas Cunningham, Chairperson

AMENDMENTS - Print in Journal

Senator Heidemann filed the following amendment to LB 275:
 AM2746

(Amendments to AM2660)

1 1. Insert the following new section:

2 Sec. 54. Section 60-6,301, Reissue Revised Statutes of
 3 Nebraska, is amended to read:

4 60-6,301 When any motor vehicle, semitrailer, or trailer
 5 is operated upon the highways of this state carrying a load in
 6 excess of the maximum weight permitted by section 60-6,294, the
 7 load shall be reduced or shifted to within such maximum tolerance
 8 before being permitted to operate on any public highway of this
 9 state, except that:

10 (1) If any motor vehicle, semitrailer, or trailer exceeds
 11 the maximum load on only one axle, only one tandem axle, or only
 12 one group of axles when (a) the distance between the first and last
 13 axle of such group of axles is twelve feet or less, (b) the excess

14 axle load is no more than five percent in excess of the maximum
15 load for such axle, tandem axle, or group of axles permitted by
16 such section, while the vehicle or combination of vehicles is
17 within the maximum gross load, and (c) the load on such vehicle is
18 such that it can be shifted or the configuration of the vehicle can
19 be changed so that all axles, tandem axle, or groups of axles are
20 within the maximum permissible limit for such axle, tandem axle, or
21 group of axles, such shift or change of configuration may be made
22 without penalty;

1 (2) Any motor vehicle, semitrailer, or trailer carrying
2 only a load of livestock may exceed the maximum load as permitted
3 by such section on only one axle, only one tandem axle, or only one
4 group of axles when the distance between the first and last axle
5 of the group of axles is six feet or less if the excess load on
6 the axle, tandem axle, or group of axles is caused by a shifting
7 of the weight of the livestock by the livestock and if the vehicle
8 or combination of vehicles is within the maximum gross load as
9 permitted by such section;

10 (3) With a permit issued by the Department of Roads
11 or the Nebraska State Patrol, a truck with an enclosed body and
12 a compacting mechanism, designed and used exclusively for the
13 collection and transportation of garbage or refuse, may exceed the
14 maximum load as permitted by such section by no more than twenty
15 percent on only one axle, only one tandem axle, or only one group
16 of axles when the vehicle is laden with garbage or refuse if the
17 vehicle is within the maximum gross load as permitted by such
18 section. There shall be a permit fee of ten dollars per month or
19 one hundred dollars per year. The permit may be issued for one or
20 more months up to one year, and the term of applicability shall be
21 stated on the permit;

22 (4) Any motor vehicle, semitrailer, or trailer carrying
23 any kind of a load, including livestock, which exceeds the legal
24 maximum gross load by five percent or less may proceed on its
25 itinerary and unload the cargo carried thereon to the maximum legal
26 gross weight at the first unloading facility on the itinerary where
27 the cargo can be properly protected. All material so unloaded shall
1 be cared for by the owner or operator of such vehicle at the risk
2 of such owner or operator; and

3 ~~(5) Any motor vehicle, semitrailer, or trailer carrying~~
4 ~~grain or other seasonally harvested products may operate from~~
5 ~~the field where such grain or products are harvested to storage,~~
6 ~~market, or stockpile in the field or from stockpile to market or~~
7 ~~factory up to seventy miles with a load that exceeds the maximum~~
8 ~~load permitted by section 60-6,294 by fifteen percent on any tandem~~
9 ~~axle, group of axles, and gross weight. For carrying grain or other~~
10 ~~seasonally harvested products from the field where such grain or~~
11 ~~products are harvested to storage, market, or stockpile in the~~
12 ~~field or from stockpile to market or factory up to seventy miles:~~
13 (a) Any motor vehicle, semitrailer, or trailer may operate with a

14 load that exceeds the maximum load permitted by section 60-6,294
15 by fifteen percent on any tandem axle, group of axles, and gross
16 weight; and (b) any truck with no more than two axles may operate
17 with a load that exceeds the maximum load and gross weight for a
18 single axle permitted by section 60-6,294 by fifteen percent. The
19 owner or a representative of the owner of the agricultural product
20 shall furnish the driver of the loaded vehicle a signed statement
21 of origin and destination.

22 Nothing in this section shall be construed to permit
23 to be operated on the National System of Interstate and Defense
24 Highways any vehicle or combination of vehicles which exceeds any
25 of the weight limitations applicable to such system as contained in
26 section 60-6,294.

27 If the maximum legal gross weight or axle weight of any
1 vehicle is exceeded by five percent or less and the arresting peace
2 officer or carrier enforcement officer has reason to believe that
3 such excessive weight is caused by snow, ice, or rain, the officer
4 may issue a warning citation to the operator.

5 2. On page 58, line 16, after "60-4,182," insert
6 "60-6,301,".

7 3. Renumber the remaining sections accordingly.

Senators Mines, Brashear, and Landis filed the following amendment to
LB 876:

(Amendment, AM2736, is printed separately and available in the Bill Room,
Room 1104.)

Senators Kremer, Baker, Mines, and Stuhr filed the following amendment to
LB 1226:

AM2723

(Amendments to Standing Committee amendments, AM2578)

1 1. Insert the following new sections:

2 Sec. 29. Section 61-201, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 61-201 The Director of Natural Resources shall be
5 qualified by education, training, and business experience to manage
6 and supervise the Department of Natural Resources. The director,
7 deputy director, or manager of the permits and registration
8 division shall be a professional engineer as provided in the
9 Engineers and Architects Regulation Act and shall have had at
10 least five years' experience in a position of responsibility in
11 irrigation work.

12 Sec. 30. Section 61-202, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 61-202 The Director of Natural Resources may employ such
15 personnel, including legal and technical advisors, as necessary
16 to carry out the duties required of the director. All powers and
17 duties lawfully conferred upon the Department of Natural Resources
18 shall be exercised under the direction of the director. The

- 19 director shall:
 20 (1) Have charge of the records of the department;
 21 (2) Cause accurate and complete books of account to be
 22 kept;
 1 (3) Supervise the signing of vouchers and orders for
 2 supplies, materials, and any other expenditures;
 3 (4) Contract for consulting services;
 4 (5) Employ all engineers, assistants, clerks, agents,
 5 advisors, technicians, and other employees required for the proper
 6 transaction of the business of the department and fix their titles,
 7 determine their duties and compensation, and discharge them in the
 8 discretion of the director;
 9 (6) Sign and execute or supervise the signing and
 10 executing of all documents and papers; and
 11 (7) Work with the Nebraska Natural Resources Commission
 12 to develop and implement the policies and programs of the
 13 commission.
 14 2. Amend the operative date and repealer sections so
 15 that the sections added by this amendment become operative three
 16 calendar months after adjournment of this legislative session.
 17 3. Renumber the remaining sections and correct internal
 18 references accordingly.

SELECT COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 817. Placed on Select File.

LEGISLATIVE BILL 746. Placed on Select File as amended.
 E & R amendment to LB 746:
 AM7181

- 1 1. Strike the original sections and all amendments
 2 thereto and insert the following new sections:
 3 Section 1. It is the intent of the Legislature to expand
 4 the capacity to provide civil legal services to eligible low-income
 5 persons equally throughout the state.
 6 Sec. 2. For purposes of sections 1 to 4 of this act, the
 7 definitions found in section 25-3001 apply.
 8 Sec. 3. The Civil Legal Services Program is created.
 9 Appropriations to the program shall be used to provide grants for
 10 civil legal services to eligible low-income persons. The State
 11 Court Administrator shall distribute grants pursuant to section 4
 12 of this act.
 13 Sec. 4. (1) The State Court Administrator shall establish
 14 guidelines for submission of applications for grants to provide
 15 civil legal services to eligible low-income persons. To be eligible
 16 for a grant under this section, a civil legal services provider
 17 shall:
 18 (a) Be a nonprofit organization chartered in Nebraska;

19 (b) Employ or contract with attorneys admitted to
 20 practice before the Nebraska Supreme Court and the United States
 21 District Courts;

22 (c) Have offices located throughout the state;

23 (d) Have as its principal purpose and mission the
 1 delivery of civil legal services to eligible low-income persons
 2 who are residents of Nebraska;

3 (e) Distribute its resources equitably throughout the
 4 state;

5 (f) Be a recipient of financial assistance for the
 6 delivery of civil legal services from the Legal Services
 7 Corporation established by the federal Legal Services Corporation
 8 Act, 42 U.S.C. 2996 et seq.; and

9 (g) Certify that any grant funds received pursuant to
 10 this section will be used to supplement any existing funds used
 11 by the applicant and that such funds will not replace other funds
 12 appropriated or awarded by a state agency to provide civil legal
 13 services to any eligible low-income person.

14 (2) A civil legal services provider seeking a grant
 15 under this section shall file an application with the State
 16 Court Administrator on forms provided by the administrator. The
 17 application shall include a place for the provider to certify to
 18 the administrator that it will provide free civil legal services
 19 to eligible low-income persons upon receipt of a grant under this
 20 section.

21 (3) The State Court Administrator shall review the
 22 applications and determine which civil legal services providers
 23 shall receive grants under this section and the amount of the
 24 grants. Grant recipients shall use the grant funds to provide free
 25 civil legal services to eligible low-income persons.

26 (4) An independent certified public accountant shall
 27 annually audit the books and accounts of each grant recipient. The
 1 grant recipients shall provide the results of such audit to the
 2 State Court Administrator.

3 2. On page 1, strike beginning with "appropriations" in
 4 line 1 through line 3 and insert "legal services; to state intent;
 5 and to provide for grants for civil legal services to eligible
 6 low-income persons."

(Signed) Michael Flood, Chairperson

GENERAL FILE

LEGISLATIVE BILL 1060. Senator Connealy renewed his pending amendment, AM2677, found on page 1020, to the Standing Committee amendment.

The Connealy amendment was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Pending.

STANDING COMMITTEE REPORT
Judiciary

LEGISLATIVE BILL 1199. Placed on General File as amended.
(Standing Committee amendment, AM2715, is printed separately and available in the Bill Room, Room 1104.)

(Signed) Patrick J. Bourne, Chairperson

AMENDMENTS - Print in Journal

Senator Baker filed the following amendment to LB 1222:
AM2745

(Amendments to Standing Committee amendments, AM2238)

- 1 1. Strike section 25.
- 2 2. On page 1, line 21, strike "2007" and insert "2009".
- 3 3. On page 8, line 13, strike "26" and insert "25";
- 4 and in line 22 after "month" insert "or has a positive balance
- 5 greater than or equal to the surcharge amount, as determined by the
- 6 wireless carrier".
- 7 4. On page 9, line 21, after the second occurrence of
- 8 "customer" insert "or a customer in a county containing a city of
- 9 the metropolitan class"; and after the period in line 24 insert
- 10 "Each wireless carrier who has a customer in a county containing
- 11 a city of the metropolitan class shall collect a surcharge of not
- 12 more than fifty cents.".
- 13 5. On page 11, line 9, strike "Each" and insert "As the
- 14 commission may require, each".
- 15 6. On page 16, line 9, after "86-465," insert "and" and
- 16 strike "and 86-468,".
- 17 7. Renumber the remaining sections accordingly.

Senator Byars filed the following amendment to LB 994:
AM2753

(Amendments to E & R amendments, AM7178)

- 1 1. Insert the following new section:
- 2 Sec. 30. Section 68-1804, Revised Statutes Cumulative
- 3 Supplement, 2004, is amended to read:
- 4 68-1804 (1) The ICF/MR Reimbursement Protection Fund is
- 5 created. Any money in the fund available for investment shall be
- 6 invested by the state investment officer pursuant to the Nebraska
- 7 Capital Expansion Act and the Nebraska State Funds Investment Act.
- 8 Interest and income earned by the fund shall be credited to the
- 9 fund.
- 10 (2) For fiscal year 2004-05, proceeds from the tax
- 11 imposed under section 68-1803 shall be allocated as follows:

12 (a) First, fifty-five thousand dollars to the department
13 for administration of the fund;

14 (b) Second, payment to intermediate care facilities for
15 the mentally retarded for the cost of the tax;

16 (c) Third, three hundred thousand dollars, in addition
17 to any federal medicaid matching funds, for increases in payments
18 to non-state-operated intermediate care facilities for the mentally
19 retarded which shall be such facilities' only increase in payments
20 for such fiscal year;

21 (d) Fourth, three hundred twelve thousand dollars, in
22 addition to any federal medicaid matching funds, for payment to
1 providers of community-based services for the purpose of reducing
2 the waiting list of persons with developmental disabilities; and

3 (e) Fifth, any money remaining in the fund after the
4 allocations required by subdivisions (2)(a) through (d) of this
5 section have been made shall be transferred to the General Fund.

6 (3) For FY2005-06, ~~and each fiscal year thereafter,~~
7 proceeds from the tax imposed pursuant to section 68-1803 shall be
8 remitted to the State Treasurer for credit as follows:

9 (a) To the ICF/MR Reimbursement Protection Fund for
10 allocation as described in this subdivision: (i) Fifty-five
11 thousand dollars for administration of the fund; (ii) the amount
12 needed to reimburse intermediate care facilities for the mentally
13 retarded for the cost of the tax; (iii) three hundred thousand
14 dollars for payment of rates to non-state-operated intermediate
15 care facilities; and (iv) three hundred twelve thousand dollars
16 for community-based services for persons with developmental
17 disabilities; and

18 (b) To the General Fund: The remainder of the proceeds.

19 (4) For FY2006-07 and each fiscal year thereafter,
20 proceeds from the tax imposed pursuant to section 68-1803 shall be
21 remitted to the State Treasurer for credit as follows:

22 (a) To the ICF/MR Reimbursement Protection Fund for
23 allocation as described in this subdivision: (i) Fifty-five
24 thousand dollars for administration of the fund; (ii) the amount
25 needed to reimburse intermediate care facilities for the mentally
26 retarded for the cost of the tax; (iii) twenty-five percent of
27 the funds collected pursuant to subsection (1) of section 68-1803
1 for payment of rates to non-state-operated intermediate care
2 facilities for the mentally retarded; and (iv) twenty-five percent
3 of the funds collected pursuant to subsection (1) of section
4 68-1803 for community-based services for persons with developmental
5 disabilities; and

6 (b) To the General Fund: The remainder of the proceeds.

7 2. Amend the operative date and repealer sections so
8 that the section added by this amendment becomes operative three
9 calendar months after adjournment of this legislative session.

10 3. Renumber the remaining sections and correct internal
11 references accordingly.

Senator Hudkins filed the following amendment to LB 654:
AM2756

- 1 1. On page 2, after line 4 insert:
- 2 "(b) Custody determination includes both temporary
- 3 custody determinations and permanent custody determinations;"; in
- 4 line 5 strike "(b)" and insert "(c)"; in line 7 strike "(c)" and
- 5 insert "(d)"; and in line 11 strike "(d)" and insert "(e)".
- 6 2. On page 3, line 2, after the period insert "At a
- 7 custody determination hearing, the evidence offered by the parties
- 8 shall not be limited to affidavits unless all parties consent to
- 9 such limitation.".

Senator Jensen filed the following amendment to LB 994:
(Amendment, AM2754, is printed separately and available in the Bill Room, Room 1104.)

Senator Jensen filed the following amendment to LB 994:
(Amendment, AM2750, is printed separately and available in the Bill Room, Room 1104.)

GENERAL FILE

LEGISLATIVE BILL 1060. Senator Fischer asked unanimous consent to withdraw her pending amendment, AM2713, found on page 1034, and replace it with her substitute amendment, AM2761, to the Standing Committee amendment. No objections. So ordered.
AM2761

(Amendments to Standing Committee amendments, AM2581)

- 1 1. On page 120, line 16, strike "\$5,000,000" and insert
- 2 "\$1,500,000".

SENATOR BAKER PRESIDING

SENATOR CUDABACK PRESIDING

Senator Smith moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

Senator Fischer moved for a call of the house. The motion prevailed with 40 ayes, 0 nays, and 9 not voting.

Senator Fischer requested a roll call vote on her amendment.

Voting in the affirmative, 19:

Baker	Engel	Friend	Langemeier	Redfield
Brown	Erdman	Heidemann	Louden	Smith
Burling	Fischer	Hudkins	McDonald	Stuhr
Cunningham	Flood	Kremer	Mines	

Voting in the negative, 8:

Aguilar	Chambers	Kopplin	Thompson
Beutler	Jensen	Schimek	Wehrbein

Present and not voting, 18:

Bourne	Cudaback	Johnson	Preister	Stuthman
Brashear	Foley	Kruse	Price	Synowiecki
Byars	Howard	Pahls	Raikes	
Cornett	Janssen	Pederson, D.	Schrock	

Excused and not voting, 4:

Combs	Connealy	Landis	Pedersen, Dw.
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The Fischer amendment lost with 19 ayes, 8 nays, 18 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Pending.

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Section 8, LR 309 was referred to the Reference Committee.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR	Committee
LR 309	Government, Military and Veterans Affairs

(Signed) L. Patrick Engel, Chairperson
Legislative Council, Executive Board

AMENDMENT - Print in Journal

Senator Beutler filed the following amendment to LB 75:
AM2762

(Amendments to Final Reading copy)

- 1 1. On page 1, line 5; and page 3, line 2, strike
- 2 "certain".
- 3 2. On page 2, strike beginning with "except" in line 12
- 4 through the first comma in line 13.

GENERAL FILE

LEGISLATIVE BILL 1060. Senator Janssen withdrew his pending amendment, AM2726, found on page 1036.

Senator Chambers withdrew his pending amendment, AM2730, found on page 1037.

Senator Chambers renewed his pending amendment, AM2731, found on page 1046, to the Standing Committee amendment.

Senator Chambers moved for a call of the house. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

The Chambers amendment was adopted with 38 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator Howard offered the following amendment to the Standing Committee amendment:
AM2749

(Amendments to Standing Committee amendments, AM2581)

- 1 1. On page 27, lines 15 and 16, strike "365,000" and
- 2 insert "865,000"; in line 20 strike "and"; and in line 23 before
- 3 the period insert "and
- 4 Home visitation and other secondary prevention services
- 5 included in section 68-1202 -- \$500,000 General Funds".

Senator Howard moved for a call of the house. The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Senator Howard requested a roll call vote on her amendment.

Voting in the affirmative, 20:

Aguilar	Combs	Jensen	McDonald	Schimek
Beutler	Connealy	Johnson	Pahls	Schrock
Byars	Cornett	Kopplin	Preister	Thompson
Chambers	Howard	Louden	Price	Wehrbein

Voting in the negative, 11:

Baker	Erdman	Hudkins	Redfield
Cunningham	Foley	Pederson, D.	Smith
Engel	Friend	Raikes	

Present and not voting, 16:

Bourne	Cudaback	Janssen	Mines
Brashear	Fischer	Kremer	Stuhr
Brown	Flood	Kruse	Stuthman
Burling	Heidemann	Langemeier	Synowiecki

Excused and not voting, 2:

Landis	Pedersen, Dw.
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The Howard amendment lost with 20 ayes, 11 nays, 16 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator Langemeier reoffered his amendment, AM2676, found on page 1019 and considered in this day's Journal, to the Standing Committee amendment.

Senator Langemeier moved for a call of the house. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

Senator Langemeier requested a roll call vote on his amendment.

Voting in the affirmative, 17:

Baker	Cunningham	Kopplin	McDonald	Stuthman
Burling	Flood	Kremer	Mines	
Byars	Heidemann	Langemeier	Pahls	
Connealy	Janssen	Louden	Stuhr	

Voting in the negative, 7:

Aguilar	Engel	Pederson, D.	Wehrbein
Beutler	Howard	Smith	

Present and not voting, 23:

Bourne	Cornett	Friend	Preister	Schrock
Brashear	Cudaback	Hudkins	Price	Synowiecki
Brown	Erdman	Jensen	Raikes	Thompson
Chambers	Fischer	Johnson	Redfield	
Combs	Foley	Kruse	Schimek	

Excused and not voting, 2:

Landis Pedersen, Dw.

The Langemeier amendment lost with 17 ayes, 7 nays, 23 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator Beutler offered the following amendment to the Standing Committee amendment:

FA609

(Amendments to Standing Committee amendments, AM2581)

1. On page 120, line 16, strike "\$5,000,000" and insert "\$2,000,000".

The Beutler amendment was adopted with 42 ayes, 0 nays, 5 present and not voting, and 2 excused and not voting.

The Standing Committee amendment, AM2581, printed separately and referred to on page 946 and considered on page 1023, was renewed.

The Standing Committee amendment, as amended, was adopted with 42 ayes, 0 nays, 5 present and not voting, and 2 excused and not voting.

Senator Beutler withdrew his pending amendment, FA545, found on page 950.

Advanced to E & R for review with 42 ayes, 0 nays, 5 present and not voting, and 2 excused and not voting.

SPEAKER BRASHEAR PRESIDING

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 298 and 299 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 298 and 299.

AMENDMENTS - Print in Journal

Senator Baker filed the following amendment to LB 1222:

AM2775

(Amendments to Standing Committee amendments, AM2238)

- 1 1. On page 10, line 12, strike "Each" and insert
- 2 "Beginning on July 1, 2007, each".

Senator Chambers filed the following amendment to LB 287:
AM2779

(Amendments to AM2700)

1 1. On page 1, line 4, strike "substantial" and insert
2 "legitimate and legally cognizable"; in line 6 strike "loss of
3 deceased" and insert "death of"; in line 8 after "recognizes"
4 insert "that" and after "a" insert "constitutional"; in line 9
5 after "and" insert "that"; in lines 14 and 23 after "worship"
6 insert "during a funeral"; in line 18 strike "(1)" and insert "For
7 purposes of sections 1 to 3 of this act, the following definitions
8 apply:
9 (1)"; in line 20 strike the period and insert "or
10 highways; and"; and in line 21 after "Picketing" insert "of a
11 funeral".

Senator Chambers filed the following amendment to LB 1060:
FA611

Amendment to AM2441

P. 2, line 27 strike "The department may prioritize applications for contracts" and on page 3 in lines 1 and 2 strike "with a preference for local public health departments, hospitals, and federally qualified health centers."

Senator Chambers filed the following amendment to LB 1060:
FA612

Amendment to AM2441

P. 3, strike in line 4 beginning with "The" through the period in line 7.

Senator Flood filed the following amendment to LB 1060:
FA613

Strike the enacting clause.

RESOLUTION

LEGISLATIVE RESOLUTION 311. Introduced by Synowiecki, 7.

WHEREAS, the Omaha Central High School Eagles boys' basketball team won the Nebraska State Class A Boys' Basketball Championship on March 11, 2006; and

WHEREAS, the Omaha Central High School Eagles defeated Bellevue West 84-79 in overtime; and

WHEREAS, the Omaha Central High School Eagles won the first boys' basketball championship for the school since 1975; and

WHEREAS, the Omaha Central High School Eagles won the first boys' basketball championship for the Omaha Public Schools system since 1992; and

WHEREAS, the Omaha Central High School Eagles finished the season with an impressive record of twenty-four wins and four losses; and

WHEREAS, the Omaha Central High School Eagles finished the regular season ranked number one in the Omaha World Herald state rankings; and

WHEREAS, the Omaha Central High School Eagles' All-Tournament team members included All-Tournament team captain sophomore Ronnell Grixby and sophomore Josh Jones; and

WHEREAS, the Omaha Central High School Eagles' sophomore Josh Jones lead the team in state tournament scoring with 18.7 points per game and regular season scoring with 14.4 points per game; and

WHEREAS, the Omaha Central High School Eagles team members include Bryant Cotton, Steven Fiscus, Rodney Grace, Chris Griffin, Ronnell Grixby, John Hill, Josh Jones, Tim Kanger, Ben Kline, Drew Meier, Fred Perry, Vondrae Tostenson, and Lorenzo Wilson; and

WHEREAS, the Omaha Central High School Eagles head coach Eric Behrens has led the team to five state tournaments and one state championship in five seasons as head coach.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Omaha Central High School Eagles boys' basketball team be congratulated for winning the 2006 Nebraska State Class A Boys' Basketball Championship.

2. That a copy of this resolution be sent to each member of the Omaha Central High School Eagles boys' basketball team and head coach Eric Behrens.

Laid over.

UNANIMOUS CONSENT - Add Cointroducer

Senator Aguilar asked unanimous consent to add his name as cointroducer to LB 842. No objections. So ordered.

VISITORS

Visitors to the Chamber were students from Marrs Magnet Middle School, Omaha; 10 eighth-grade students and teacher from St. Mary's School, Lincoln; and Talia Head from Omaha.

The Doctor of the Day was Dr. Gilbert Head from Omaha.

ADJOURNMENT

At 6:15 p.m., on a motion by Senator Cunningham, the Legislature adjourned until 9:00 a.m., Thursday, March 16, 2006.

Patrick J. O'Donnell
Clerk of the Legislature

